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HHS Seeks Major Overhaul Of Rules for Nursing Homes

Patient Rights, Staff Training Emphasized

By Spencer Rich
Washington Post Staff Writer

A major overhaul of federal rules for nursing homes, including a "patients' bill of rights" and more stringent rules for round-the-clock care, will be proposed this week by the Department of Health and Human Services.

The new rules would apply to all residents of any home receiving federal funds through Medicaid or Medicare, the vast majority of nursing homes. The plan, designed to improve the quality of care for more than a million people in 16,000 facilities, also requires that nurses' aides be given at least 80

hours of training by the home before they handle patients.

The document, which will not become final until after 90 days of public comment, also recommends requiring that trained, licensed nurses be present 24 hours a day in every nursing home.

But at the insistence of the Office of Management and Budget, it lists two less stringent alternatives to the 24-hour plan that will be considered before the HHS issues its final regulation.

The proposed regulations would also:

- Require an initial assessment of a person's needs within 48 hours after entering a nursing home, a com-

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Foes of Hatch Act Revision Warn of Open Door to Abuse

Political Coercion of Federal Workers Feared

By Judith Havemann
and Eric Pianin
Washington Post Staff Writers

As a young couple in Dallas in the early 1960s, Ritchie and Carol Ann Coryell were Republican political junkies supporting Barry Goldwater for president. After moving to Northern Virginia, Carol Ann Coryell rose to be elected 8th District Republican chairman, but Ritchie Coryell stayed out of the party altogether.

As a geophysicist with the National Science Foundation, he was prohibited under the Hatch Act from engaging in partisan politics.

Ritchie Coryell acknowledges frustrations at times, but unlike

members of the House Post Office and Civil Service Committee, who unanimously voted last week to lift those Hatch Act restrictions, he fears that a change in the law might invite coercion of federal workers and threaten the political neutrality of the civil service system.

"As in a lot of life, we have a tradeoff," he said. "... In the long run, we would be better off [staying out of politics and] applying ourselves to the civil service."

Coryell is one of a quiet group of federal employees who believe that a ban on partisan politics is a useful fixture of Washington life.

While supporters of the change contend that the Hatch Act is un-

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October 12, 1987 ...

THE WASHINGTON POST

Revision of Hatch Act Would Open Door to Political Coercion, Critics Say

By [Name] From AF

and unfairly applied. The bill would restrict employment rights and is a "disincentive to stay out of politics," critics cite a list of "disincentives" as well.

Hatch Act restrictions, critics say, could affect public service government, make it difficult to do what is actually necessary by incoming administration. It will make policing impossible.

Rep. F. Blaylock, president of the 180,000-member American Association of Government Employees, said there is no problem with allowing workers to run for office, but "it is not their own time. It is the government's time," he said.

Blaylock said: "The fact is that the federal government is making them a different kind of person."

Rep. Scott, a former Brookings Institution senior fellow who is now a professor of government at the College of Mason University, said that loosening restrictions on political activities are "a bad idea."

He said he was moving in the opposite direction, tightening up," he said.

was how close to the surface the political pressure was," said Alan K. (Scotty) Campbell, who was civil service chief under President Carter. "The career service needs protection from being expected to contribute money to fund-raising events, which is often where the pressure comes."

Campbell said the "culture" of the government helps, because it supports and honors—at least in theory—politically neutral behavior. The other protection federal workers have, he said, is the Hatch Act.

Rep. Patricia Schroeder (D-Colo.), chairwoman of the civil service subcommittee and a leading champion of changing the law, said: "Our bill clearly protects workers from any top-down pressure. I am very short of patience with these arguments about the politicization of the work force because some employee is allowed to run for office on his own time."

"I think the present Hatch Act is just right," said a high-ranking civil servant, who asked that his name not be used. "I've been right up there at the level where the career people rub up against the political people, and attempts at coercion go on right now. If they try it with the Hatch Act, think what it would be like without it."

"If your boss is running for political office, or helping somebody run, it definitely puts the federal employee in jeopardy of being expected to provide support for elec-

said he thinks he would be more active in politics if the Hatch Act were loosened.

Indeed, Hatch Act revision supporters say the bill actually toughens penalties for misuse of official authority or information, prohibits contributions to or from superiors or subordinates, and prohibits all on-the-job political activities, a few of which—such as wearing campaign buttons—are now allowed.

House committee Republicans say one of the bill's most attractive features is that it clearly spells out what is permitted and what is not. The current law bans everything prohibited in 3,000 regulatory rulings issued before 1940. This has led to hair-splitting advisory opinions that find, for example, that a sign is one inch too large for a yard but acceptable for a car.

Bernard Rosen, former executive director of the U.S. Civil Service Commission, urges supporters of Hatch Act revisions to look at the experience of the government before the Hatch Act was passed, and at what has happened since in states and cities without it. "What was permitted came to be expected," he said.

"The objective of enlarging the rights of the civil service is com-

mendable, but will it undermine public confidence in the impartiality of the civil service?" Rosen said. "Will such participation further increase the suspicion of incoming administrations about the responsiveness of the career civil service to new leadership? These questions need to be addressed."

A personnel director for a large department said: "Any incoming administration is always suspicious that anybody already there belongs to the prior administration or prior party. They keep looking for a hidden Republican or a hidden Democrat."

"Currently, they assume we are all Democrats, and that mentality prevails in some assignments. It would aggravate the daylight out of the problem to the extent that I was stupid enough to allow myself to become readily identifiable as a Republican or a Democrat," he said.

G. Jerry Shaw, counsel of the Senior Executive Association, which represents the most senior civil servants, said the association's position is one of "studied neutrality."

"I do not know of any inquiries or statements asking us to support this bill," he said.

When then-Rep. Joseph Fisher

(D-Va.) reported almost a decade ago that his constituents opposed Hatch Act revisions, the bill's sponsor then and now, Rep. William Clay (D-Mo.), charged that Fisher was talking only to "supergrads" and not the rank and file.

In a survey of 23,000 residents of the same district conducted by Frank R. Wolf (R-Va.) in 1983, 60 percent said they favored retaining the Hatch Act restrictions. "In the sense as I talk to my constituents, there is no outcry to change the law," Wolf said.

Just how eager federal employees are today to shed the Hatch Act is still not clear.

AFGE officials, who are lobbying hard for the legislation, said

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to Political Coercion, Opponents Say

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AFGE officials, who are lobbying hard for the legislation, said that

changing the Hatch Act has been a top legislative priority at the union's national conventions for years.

Patrick Smith, director of legislation for the National Treasury Employees Union, the second largest federal union, said: "The majority of our members want this. The number one issue I hear is frustration over their pay. They don't see any way to affect this unless they can work in campaigns."

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